

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

LLS NO. M19-0145.01 Richard Sweetman x4333

SJM19-001

SENATE SPONSORSHIP

Crowder, Bridges, Cooke, Coram, Donovan, Garcia, Gardner, Ginal, Gonzales, Hisey, Lee, Lundeen, Marble, Moreno, Pettersen, Story, Tate, Todd, Williams A., Woodward

HOUSE SPONSORSHIP

Esgar,

Senate Committees

Agriculture & Natural Resources

House Committees

SENATE JOINT MEMORIAL 19-001

101 **MEMORIALIZING THE UNITED STATES CONGRESS TO FULFILL THE**
102 **COMMITMENT OF THE FEDERAL GOVERNMENT TO PROVIDE**
103 **FUNDING FOR THE ARKANSAS VALLEY CONDUIT PROJECT.**

1 WHEREAS, The Arkansas Valley Conduit is a proposed 130-mile
2 pipeline with spurs that would deliver filtered water ready for treatment
3 from the Pueblo reservoir to as many as 40 communities and 50,000
4 people east of Pueblo; and

5 WHEREAS, The Arkansas Valley Conduit was authorized by the
6 United States Congress as part of the Fryingpan-Arkansas Project in 1962
7 as a means to address water quality and availability issues in the Arkansas
8 River basin east of Pueblo, but it was never built, largely because of the
9 inability of participants to repay construction costs; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Final Reading
January 22, 2019

1 WHEREAS, In 2009, Congress enacted Pub.L. 111-11, which
2 added to the original Fryingpan-Arkansas Project legislation a
3 cost-sharing plan by which the federal government supplies funding for
4 the project, and the Southeastern Colorado Water Conservancy District
5 agrees to repay 35 percent of the funding to the federal government over
6 a period of 50 years; and

7 WHEREAS, Pub.L. 111-11 also allowed miscellaneous revenues,
8 including excess-capacity contract payments, from the
9 Fryingpan-Arkansas Project to be applied to the construction of, and
10 repayment for, the Arkansas Valley Conduit beginning in 2022; and

11 WHEREAS, These payments will initially total about \$3 million
12 annually, increasing in future years as contract payments rise; and

13 WHEREAS, In 2013, the Southeastern Colorado Water
14 Conservancy District completed a regional water conservation plan in
15 support of the Arkansas Valley Conduit project; and

16 WHEREAS, In 2013, the federal Bureau of Reclamation
17 completed a final environmental impact statement for the project, which
18 concluded that the Arkansas Valley Conduit would have an overall
19 positive impact on area water supplies, water quality, and efficiency of
20 water deliveries; and

21 WHEREAS, In 2014, the federal Bureau of Reclamation issued a
22 record of decision for the Arkansas Valley Conduit, which established a
23 route and scope of work for the project; and

24 WHEREAS, In 2017, the federal Bureau of Reclamation
25 completed a feasibility design report for the Arkansas Valley Conduit;
26 and

27 WHEREAS, In 2017, the Southeastern Colorado Water
28 Conservancy District, the federal Bureau of Reclamation, and the Pueblo
29 Board of Water Works began discussions about a plan to reduce the time
30 needed to build the Arkansas Valley Conduit; and

31 WHEREAS, The plan is a phased approach that would use excess
32 capacity in the Pueblo water system to deliver water to the Arkansas
33 Valley Conduit; and

1 WHEREAS, Most of the prospective participants of the Arkansas
2 Valley Conduit currently rely on groundwater and are in need of a reliable
3 supply of fresh water; and

4 WHEREAS, The Arkansas Valley Conduit is intended to provide
5 safe drinking water to more than 50,000 people whose water supply is
6 currently contaminated by naturally occurring radionuclides beyond the
7 standards established by the federal "Safe Drinking Water Act", Pub.L.
8 93-523; and

9 WHEREAS, Fifteen of the 40 water systems in the Arkansas
10 Valley Conduit are already in violation of clean water standards due to
11 the presence of radionuclides; and

12 WHEREAS, These federal standards are intended to protect the
13 health and safety of the public, and therefore it is within the interest of the
14 federal government to partner with Colorado and local water providers to
15 construct the Arkansas Valley Conduit; and

16 WHEREAS, The Colorado department of public health and
17 environment views the Arkansas Valley Conduit as the preferred method
18 of dealing with contamination from radionuclides in groundwater; and

19 WHEREAS, The cities of the lower Arkansas valley in Colorado
20 have awaited the construction of the Arkansas Valley Conduit for
21 decades; and

22 WHEREAS, Without federal funding, it is beyond the means of
23 southeastern Colorado, an economically disadvantaged portion of the
24 state, to construct the Arkansas Valley Conduit; and

25 WHEREAS, The Colorado water conservation board has
26 committed \$60.6 million toward the construction of the Arkansas Valley
27 Conduit; and

28 WHEREAS, The Arkansas Valley Conduit is supported by
29 Colorado's entire Congressional delegation and has always had the full
30 support of governmental entities at all levels, and no opposition to the
31 Arkansas Valley Conduit exists; now, therefore,

32 *Be It Resolved by the Senate of the Seventy-second General*
33 *Assembly of the State of Colorado, the House of Representatives*

1 *concurring herein:*

2 That Congress should act swiftly to fulfill its commitment to
3 provide sufficient funding to provide for the construction of the Arkansas
4 Valley Conduit.

5 *Be It Further Resolved,* That copies of this Joint Memorial be sent
6 to Governor Jared Polis, to each member of Colorado's Congressional
7 delegation, to the Colorado Water Conservation Board, to the
8 Southeastern Colorado Water Conservancy District, to the Pueblo Board
9 of Water Works, to the federal Bureau of Reclamation, and to the current
10 Secretary of the Interior.